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PATENT

Customer No. 22,852
Attorney Docket No. 2356.0010-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc ALIZON et al.

Application No.: 09/767,138

Filed: January 23, 2001

For: VARIANT OF LAV VIRUSES

Commissioner for Patents and Trademarks
Washington, DC 20231

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)
) Group Art Unit: 1648
)
) Examiner: PARKIN, Jeffrey S.
)
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Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated July 26, 2002, the period for response to which has been extended by filing a petition for two month extension of time concurrently herewith, the Examiner required restriction under 35 U.S.C. § 121 between Group I (claims 23-28); Group II (claims 29-34); Group III (claims 35-40); Group IV (claims 41-52); and Group V (claims 53-64).

Applicants provisionally elect to prosecute Group III (claims 35-40) drawn to a purified HIV-1 virus comprising variations in Env, classified in class 424, subclasses 188.1 and 208.1, with traverse.

For a restriction requirement to be proper, (1) there must be independent or distinct inventions as claimed; and (2) there must be a serious burden on the Examiner. M.P.E.P. § 803. Applicants submit that it would not pose a serious burden on the Examiner to search the subject matter of all of the groups of inventions together, since

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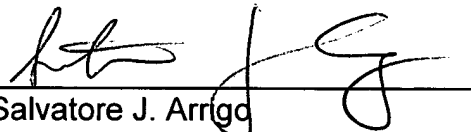
all of the groups relate to HIV-1 viruses comprising HIV-1 ELI sequences. The claims of Groups I-III are in the same classes and subclasses and recite a purified HIV-1 virus comprising HIV-1 ELI sequences. Groups IV and V recite polypeptide and nucleic acid fragments of HIV-1 viruses comprising HIV-1 ELI sequences. Applicants request reconsideration of the restriction requirement and the examination of all groups together in the instant application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 28, 2002

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